

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

BRAD ONEAL DAVIS

PLAINTIFF

V.

NO. 4:12CV00076-JMV

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

ORDER AWARDING ATTORNEY FEES

Before the court is the claimant's petition [23] for payment of attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. In these proceedings, the claimant sought judicial review of the final decision of the Commissioner of Social Security, denying a claim for benefits. By Judgment [21] dated February 15, 2013, the court remanded this case to the Commissioner for further proceedings. The claimant now seeks attorney fees under the EAJA on the grounds that he was the prevailing party and the Commissioner's position was not "substantially justified." By the motion and attached exhibits, the claimant requests an award of \$2,906.25 in attorney fees. The Commissioner does not oppose the claimant's request for attorney fees. The court has considered the claimant's motion and supporting documentation and the record of this case and finds that the fee request is reasonable. Accordingly, it is,

THEREFORE, ORDERED that the claimant's petition for payment of attorney fees under the EAJA is hereby **GRANTED**, and the Commissioner shall pay the claimant \$2,906.25 for the benefit of his attorney.

THIS, the 7th day of May, 2013.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE